

ERIE COUNTY LEGISLATURE
MEETING NO. 25
November 18, 2004

The Legislature was called to order by CHAIRMAN HOLT.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by MR. WROBLEWSKI.

Item 1 – MR. RANZENHOFER moved to remove Comm. 7M-5 (2004) from the table. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved to receive and file Comm. 7M-5 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 2 – MS. MARINELLI moved to reconsider Comm. 22E-26 (2004). MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN (AYES 8, NOES 7).

CARRIED.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN (AYES 8, NOES 7).

CARRIED.

- **DELETE** all three RESOLVE clauses and **REPLACE** with the following:

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RESOLVED, in light of a budget analysis provided by the County Comptroller dated November 18, 2004 warning against use of Fund Balance, this Honorable Body determines that an alternate source of funding would be appropriate to fund 2004 road salt, and be it further

RESOLVED, that this Honorable Body directs the Commissioner of Public Works and the Director of Budget, Management & Finance to file with the Legislature an alternate plan for funding 2004 Road Salt that does not impact the County's savings in Fund Balance, and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CHASE & SWANICK, (AYES 13, NOES 2).

CARRIED.

Item 3 – Minutes of previous meeting were tabled.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. CHASE presented a resolution Congratulating Eden Girls Volleyball Team for Winning Class B Championship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. WEINSTEIN presented a resolution Recognizing Kristina Arcury for Winning Section VI Girls Gymnastics All-Around Championship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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Item 7 – MR. McCARVILLE presented a resolution Congratulating Orchard Park Quakers for Winning Class AA Football Championship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. SWANICK presented a resolution Congratulating Grand Island Girls Soccer Team for Winning Their Fifth Straight Sectional Title. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. RANZENHOFER presented a resolution Congratulating Clarence Girls Soccer Team for Winning Class AA Championship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. McCARVILLE, MINORITY CAUCUS presented a resolution Recognizing November as National Family Caregivers Month. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the above six resolutions as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 11 –CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2003 remain on the table.

GRANTED.

Item 12 – CHAIRMAN HOLT directed that Local Law No. 4 (Print #1) 2004 remain on the table.

GRANTED.

Item 13 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 14 – CHAIRMAN HOLT directed that Local Law No. 12 (Print #1) 2004 remain on the table.

GRANTED.

Item 15 – MS. MARINELLI presented the following Local Law and moved for immediate consideration. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE
 LOCAL LAW NO. _____ - 2004
 LOCAL LAW INTRO NO. 12 - 2004 (Print #2)

A LOCAL LAW in relation to support of the Buffalo and Erie County Public Library.

BE IT ENACTED BY THE LEGISLATURE OF ERIE COUNTY AS FOLLOWS:

Section 1.

Erie County Local Law Number One of nineteen hundred fifty-nine, constituting the Erie County Charter, as amended, is amended by amending section sixteen hundred twelve thereto to read as follows:

1612. Support of Public Libraries.

a. A portion of the annual real property tax shall be annually levied and collected for library purposes, and shall be separately set out on the real property tax notices as the "amount for library purposes." The entire amount of funds allocated in the general budget for library purposes shall be available to the Buffalo and Erie County Public Library, and shall not be subject to withholding,

modification, or reduction by the County after adoption of the annual Erie County budget, consistent with library powers in section two hundred fifty-nine of the education law, except that the trustees of the Buffalo and Erie County Public Library shall not authorize, without the prior approval of the County Legislature, the transfer of any appropriation from one branch or contract library to another which would necessitate the closing of any branch or contract library.

b. The Erie County Legislature shall, by majority vote, annually determine the amount to be raised for the Buffalo and Erie County Public Library under this section. Such amount shall not exceed the anticipated county share of the Buffalo and Erie County Public Library expenses adopted in the annual Erie County budget.

Section 2.

This local law shall be construed to be in all respects consistent with chapter seven hundred sixty-eight of the laws of nineteen hundred fifty-three and not to alter any provision of that statute, but to carry out the purposes and intent of that statute.

Section 3.

This local law shall be effective January first, the year two thousand and five upon adoption by a two-thirds majority of the Legislature, or, if adopted by a simple majority, this local law shall be effective immediately following approval by the electors of the County at the next general election of state or county government officers held not less than sixty days following the adoption of this local law, provided, however, that the provisions of this local law shall expire and be deemed repealed on or after January first, the year two thousand and seven.

TIMOTHY M. WROBLEWSKI
LYNN M. MARINELLI
EDWARD J. KUWIK
DENISE E. MARSHALL
DEMONE A. SMITH
CHARLES M. SWANICK
STEVEN P. MCCARVILLE
BARRY A. WEINSTEIN, M.D.

GEORGE A. HOLT
MICHAEL H. RANZENHOFER
MARK J. F. SCHROEDER
ALBERT DEBENEDETTI
RAYMOND K. DUSZA
JEANNE Z. CHASE
ELISE M. CUSACK

MS. MARINELLI moved the approval of the Local Law. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

Item 16 – CHAIRMAN HOLT directed that Local Law No. 14 (Print #1) 2004 remain on the table.

GRANTED.

Item 17 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2004 remain on the table.

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***See item #101 of this meeting for a reconsideration of this item.

Item 18 – CHAIRMAN HOLT directed that Local Law No. 16 (Print #1) 2004 remain on the table.

GRANTED.

COMMITTEE REPORTS

None.

LEGISLATORS RESOLUTIONS

Item 19 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 490

Re: Transfer of Public Benefit Funds.
(Intro. 25-1)

A RESOLUTION SUBMITTED BY LEGISLATORS
DUSZA AND SCHROEDER

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budgets for community organizations and government agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT,

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **Add** the following Co-Sponsors: KUWIK, RANZENHOFER, CUSACK, CHASE, SWANICK, and WEINSTEIN
- **Delete** the Resolution in its entirety and **replace** with the following:

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WHEREAS, the Legislature set aside Public Benefit Funds in the 2003 and 2004 Erie County Budgets for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization, and

WHEREAS, on March 6, 2003, the Erie County Legislature approved Intro. 5-3 (2003), as amended, designating Lackawanna Little Loop Football (\$3,500) to receive an application for Public Benefit Funding, and

WHEREAS, on July 15, 2004, the Erie County Legislature approved Intro. 17-2 (2004), as amended, transferring \$3,000 for the Lackawanna Little Loop Football, Inc from the 2003 Legislature Contractual Cost Center 1341010 to set up funds reservations, and

WHEREAS, on July 8, 2004, the Erie County Legislature approved Intro. 16-5 (2004), designating the Town of Clarence (\$8,659) to receive an application for Public Benefit Funding, and

WHEREAS, on October 21, 2004, the Erie County Legislature approved Intro. 22-7 (2004), as amended, transferring \$8,656 for the Town of Clarence from Fund Center 100, Account 516000 to the 2004 Legislature- Contractual Cost Center 1341010 to set up funds reservations, and

WHEREAS, on March 4, 2004, the Erie County Legislature approved Intro. 6-11 (2004), designating the American Red Cross to receive an application for Public Benefit Funding, and

WHEREAS, on July 8, 2004, the Erie County Legislature approved Intro.16-2 (2004), as amended, transferring \$2,483 to the American Red Cross, Greater Buffalo Chapter from the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations, and

WHEREAS, on November 4, 2004, the Erie County Legislature approved Intro. 22-3 (2004), as amended, reallocating the \$2,483 from the American Red Cross, Greater Buffalo Chapter to St. Christopher's School in Tonawanda, and

WHEREAS, on July 8, 2004, the Erie County Legislature approved Intro. 16-2 (2004), as amended, transferring \$500 to the Town of Grand Island (Golden Age Center), from the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations, and

WHEREAS, on October 21, 2004, the Erie County Legislature approved Intro. 22-7 (2004), as amended, transferring \$500 for the Town of Grand Island (Golden Age Center) from Fund Center 100, Account 516000 to the 2004 Legislature- Contractual Cost Center 1341010 to set up funds reservations, and

WHEREAS, on July 8, 2004, the Erie County Legislature approved Intro. 16-2 (2004), as amended, transferring \$1,000 for the Buffalo Fire Department- E.M. Cotter Fire Boat, from the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations, and

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WHEREAS, on July 15, 2004, the Erie County Legislature approved Intro. 17-4 (2004), as amended, transferring \$1,000 for the Buffalo Fire Department- E.M. Cotter Fire Boat from Fund Center 100, Account 516000 to the 2004 Legislature- Contractual Cost Center 1341010 to set up funds reservations,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the increase of Funds Reservation 100000191-16 for the Town of Clarence, be increased to the correct amount of \$8,659, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the increase of Funds Reservation 100000174-12 for the Lackawanna Little Loop Football, be increased to the correct amount of \$3,500, and be it further

RESOLVED, that the American Red Cross, Greater Buffalo Chapter funds totaling \$2,243 shall be returned to the Legislature- Contractual Fund Cost Center 100, from Funds Reservation 100000175-142, and be it further

RESOLVED, that the Town of Grand Island (Golden Age Center) funds totaling \$500 shall be returned to the Legislature- Contractual Fund Cost Center 100, from Funds Reservation 100000191-26, since the amount was transferred on two different Reso. B's, and be it further

RESOLVED, that a typographical error be recognized within the first resolved clause of Intro.16-2 (2004), which would remove the Buffalo Fire Department- E.M Cotter Fire Boat, which was originally transferred on two resolutions (16-2 2004 and 17-4 2004), and be it further

RESOLVED, that with the correction of the typographical error in Intro.16-2 (2004) removing the Buffalo Fire Department- E.M Cotter Fire Boat, the correct total dollar amount being transferred should be \$996,140, and be it further

RESOLVED, that a second typographical error be recognized within the first resolved clause of Intro.16-2 (2004), which indicated the Sponsor of The Classic Dance Company to be Legislator Albert DeBenedetti, when the true sponsor is Legislator Edward J. Kuwik, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$7,500 from Fund Center 100, Account 516000 to the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following groups:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
Snyder Fire Department, Inc.	\$3,000	CUSACK
Character Council of Hamburg, Inc.	\$1,000	CHASE
Amherst Youth Foundation, Inc.	\$2,000	WEINSTEIN
Broadway Market Management Corporation	\$1,000	DUSZA
Buffalo Fire Historical Society	\$500	DUSZA
TOTAL	\$7,500	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators- Crystal L. Quick and Laurie A. Manzella of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: Appropriation of 2003 and 2004 budgeted funds

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 20 – CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

Intro. 25-2 FROM MINORITY CAUCUS Re: Utilization of Chapter 479 of the Laws of 2001 Establishing a Procedure for Alternative Implementation of State Regulatory Mandates.

CHALLENGE THE CHAIR.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 7, NOES 8.)

FAILED.

Item 21 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 491

Re: Consideration for Public Benefit
 Funding. (Intro. 25-3)

A RESOLUTION SUBMITTED BY LEGISLATORS
 WEINSTEIN & McCARVILLE,

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WHEREAS, the Legislature set aside Public Benefit Funds in the 2003 & 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization, and

WHEREAS, on February 5, 2004, the Erie County Legislature unanimously approved Intro. 4-8 (2004), as amended, designating the Buffalo Building Trades Development Partnership, Inc. to receive an application for Public Benefit Funding, and

WHEREAS, on September 25, 2003, the Erie County Legislature unanimously approved Intro. 16-4 (2003), as amended, designating the Buffalo Building Trades Development Partnership, Inc. to receive an application for Public Benefit Funding, and

WHEREAS, on February 5, 2004, the Erie County Legislature unanimously approved Intro. 4-2 (2004), as amended, transferring \$22,000 from the Legislative Contractual Account (110905100830), to Department 307 Agency Payments and Grants – Public Benefit Services (110921301830), and

WHEREAS, on September 23, 2004, the Erie County Legislature unanimously approved Intro. 20-4 (2004), as amended, returning \$15,000 from the Legislative Contractual Fund Cost Center 1341010, from Funds reservation 100000078-1 to be reallocated to a new and proper allocation, and

NOW, THEREFORE, BE IT

RESOLVED, the designation for the Buffalo Building Trades Development Partnership, Inc. per Intro. 4-8 (2004) be reallocated to a new and proper allocation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
WNY AFL-CIO Economic Development Group, Inc.	\$1,000	WEINSTEIN

And be it further

RESOLVED, that the remaining \$7,000 now be returned to the Legislature-Contractual Fund Cost Center 1341010, from Funds Reservation 100000078-1, and be it further

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RESOLVED, the designations for the Buffalo Building Trades Development Partnership, Inc. per Intro. 16-4 (2003) be reallocated to a new and proper allocation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$7,000 from the 2003 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations along with the authorization for an application for Public Benefit Funding to be sent out for the following organization:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
WNY AFL-CIO Economic Development Group, Inc.	\$2,000	McCARVILLE

And be it further

RESOLVED, that the balance \$5,000 from the transfer remain in the Legislature Contractual Fund Cost Center 1341010, from Funds Reservation 100000078-1 until reallocated to a new and proper allocation by this honorable body at a later date, and be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrators of the Erie County Legislature, Laurie A. Manzella & Crystal Quick; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MS. MARINELLI moved to amend the resolution. MR. RANZENHOFER seconded.

- DELETE The Resolution in its Entirety and REPLACE with the following:

WHEREAS, the Legislature set aside Public Benefit Funds in the 2003 & 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization, and

WHEREAS, on February 5, 2004, the Erie County Legislature unanimously approved Intro. 4-8 (2004), as amended, designating the Buffalo Building Trades Development Partnership, Inc. to receive an application for Public Benefit Funding, and

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WHEREAS, on September 25, 2003, the Erie County Legislature unanimously approved Intro. 16-4 (2003), as amended, designating the Buffalo Building Trades Development Partnership, Inc. to receive an application for Public Benefit Funding, and

WHEREAS, on February 5, 2004, the Erie County Legislature unanimously approved Intro. 4-2 (2004), as amended, transferring \$22,000 from the Legislative Contractual Account (110905100830), to Department 307 Agency Payments and Grants – Public Benefit Services (110921301830), and

WHEREAS, on September 23, 2004, the Erie County Legislature unanimously approved Intro. 20-4 (2004), as amended, returning \$15,000 from the Legislative Contractual Fund Cost Center 1341010, from Funds reservation 100000078-1 to be reallocated to a new and proper allocation, and

NOW, THEREFORE, BE IT

RESOLVED, the designation for the Buffalo Building Trades Development Partnership, Inc. per Intro. 4-8 (2004) be reallocated to a new and proper allocation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
WNY AFL-CIO Economic Development Group, Inc.	\$1,000	WEINSTEIN

And be it further

RESOLVED, that the remaining \$7,000 now be returned to the Legislature-Contractual Fund Cost Center 1341010, from Funds Reservation 100000078-1, and be it further

RESOLVED, the designations for the Buffalo Building Trades Development Partnership, Inc. per Intro. 16-4 (2003) be reallocated to a new and proper allocation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$7,000 from the 2003 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations along with the authorization for an application for Public Benefit Funding to be sent out for the following organization:

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NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
WNY AFL-CIO Economic Development Group, Inc.	\$2,000	McCARVILLE
WNY AFL-CIO Economic Development Group, Inc.	\$5,000	RANZNEHOFER, SWANICK, CHASE, WEINSTEIN, McCARVILLE, CUSACK & MARSHALL
TOTAL		
		\$7,000

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrators of the Erie County Legislature, Laurie A. Manzella & Crystal Quick; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MS. MARINELLI moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 22 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 492

Re: Consideration for Public Benefit
Funding. (Intro. 25-4)

A RESOLUTION SUBMITTED BY
LEGISLATOR SWANICK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

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WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization, and

WHEREAS, on March 2, 2004, the Erie County Legislature unanimously approved Intro. 6-9, as amended, designating the Buffalo Broadcast Pioneers to receive an application for Public Benefit Funding, and,

NOW, THEREFORE, BE IT

RESOLVED, the designation for the Buffalo Broadcast Pioneers per Intro. 6-9 (2004) be reallocated to a new and proper designation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
Vietnam Veterans of America, Inc. - WNY Chapter 77	\$5,000	SWANICK

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved the approval of the resolution. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 23 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 493

Re: Consideration for Public Benefit
 Funding. (Intro. 25-5)

A RESOLUTION SUBMITTED BY LEGISLATOR McCARVILLE

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
Orchard Park Youth Basketball	\$2,200	McCARVILLE

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MS. MARINELLI moved to amend the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

- **ADD** the following co-sponsor: WROBLEWSKI
- **ADD** the following as the third WHEREAS clause:

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WHEREAS, on October 21, 2004, the Erie County Legislature unanimously approved Intro 22-6 (2004), designating the Vigilant Fire District #6 to receive an application for Public Benefit Funding

- **DELETE** the first RESOLVED clause in its entirety and replace with the following:

RESOLVED, the designation for the Vigilant Fire District #6 as per Intro 22-6 (2004) be reallocated to a new and increased designation per the passage of this resolution, and be it further

- **ADD** the following as the new second RESOLVED clause:

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Orchard Park Youth Basketball	\$2,200	McCarville
West Seneca Little Loop Football	\$2,000	Wroblewski
West Seneca Youth Hockey Booster Club	\$1,000	Wroblewski
West Seneca Youth Soccer	\$2,000	Wroblewski
Erie County Soil & Water Conservation District	\$1,500	Wroblewski
Vigilant Fire District #6	\$6,000	Wroblewski
TOTAL	\$14,700	

and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

NONE.

SUSPENSION OF THE RULES

Item 24 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

MEETING NO. 25
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ERIE COUNTY LEGISLATURE

RESOLUTION NO. 494

Re: Medicaid Impact on Local Cities,
Towns and Villages. (Intro. 25-6)

A RESOLUTION SUBMITTED BY LEGISLATOR CHASE

WHEREAS, every city town and village has felt and will continue to suffer from the effects of rising Medicaid costs if New York State does not supply relief, and

WHEREAS, today, Medicaid costs federal, state and local governments in the United States almost \$250 billion and enrolls 47 million clients nationwide, making it the largest expenditure in most state budgets, and

WHEREAS, New York State has the highest percentage of eligible residents enrolled in Medicaid in the nation, and

WHEREAS, New York State will spend an estimated \$36 billion or the equivalent of almost \$2,000 per every state resident in 2004, and

WHEREAS, in New York State, \$9,000, per recipient is spent on health care, which is twice as much as California, which spends \$4,400 per recipient and more than three times the \$2,300 per recipient spent by Texas, and

WHEREAS, every city, town and village in Erie County has Medicaid recipients, with one out of eight Erie County residents or more that 110,000 total enrolled in the program, and

WHEREAS, the massive expansion in the mandated cost of Medicaid from \$143.1 million in 2002 to a projected \$198 million in 2005, is bankrupting Erie County, and

WHEREAS, Erie County has no choice, but to fund approximately one-quarter of the Medicaid program, and

WHEREAS, in 2005, every single dollar of Erie County's property tax levy along with an additional \$55 million from other sources will be spent on the local share of the Medicaid program, and

WHEREAS, the tremendous cost of Medicaid will assure the end of all other non-mandated county services in 2005, if New York State doesn't cut the county's local share contribution, and

WHEREAS, the impact on City, town and village residents will be devastating, with the loss of sheriff patrols, district attorneys, probation officers, road repair units, snow plows, culturals and public benefit agencies, and

WHEREAS, without Medicaid relief it will be the end of our cities, towns and villages as we know them,

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature supports any and all efforts by New York State to implement Medicaid reform that will bring savings to local municipalities, and be it further

RESOLVED, that this Honorable Body asks all city, town and village leaders to join "Albany Can You Hear Us Now?" which is demanding that New York State provide needed Medicaid reform that will assure Erie County's ability to provide public safety and quality of life programs and initiatives, and be it further

RESOLVED, that this Honorable Body implores all city, town and village leaders to pass a resolution asking New York State to pass meaningful Medicaid reform that will provided needed mandate relief to local municipalities, and

RESOLVED, that certified copies of this resolution be sent to Governor Pataki, Assembly Speaker Silver, Senate Majority Leader Bruno, Assembly Majority Leader Tokasz, the local delegation to the New York State Legislature, The mayors of Buffalo, Lackawanna, Tonawanda, the Supervisors and town board members of Amherst, Alden, Aurora, Boston, Brant, Cheektowaga, Clarence, Colden, Collins, Concord, Eden, Elma, Evans, Grand Island, Hamburg, Holland, Lancaster, Marilla, Newstead, North Collins, Orchard Park, Sardinia, Tonawanda, West Seneca and Wales,. Jeanne Z. Chase.

Fiscal Impact: None

MS. MARINELLI moved to amend the resolution to included Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 25 – (Comm. 25E-1) Quarterly Investment Report 7/1/04 -9/30/04.

Item 26 – (Comm. 25E-2) Copy of Letter to Budget Director Re: Shortfall in Sales Tax Revenue.

Item 27 – (Comm. 25E-3) Copy of Letter to Budget Director Re: Shortfall in Sales Tax Revenue (Response to Comm. 24D-5).

Item 28 – (Comm. 25E-4) Letter to Legislator DeBenedetti Re: Reporting Process for Unanticipated Revenues (Response to Comm. 21E-17).

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Item 29 – (Comm. 25E-5) Letter to Legislator DeBenedetti Re: ECMC Accounts Receivable & Accounts Payable – Response to Comm. 19E-31.

The above five items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DEBENEDETTI

Item 30 – (Comm. 25E-6) Memo to All Legislators Re: Tentative Hearing Schedule for 2005 Proposed Budget.

Received and filed.

FROM THE COMPTROLLER

Item 31 – (Comm. 25E-7) Copy of Letter to ECMCC Interim CEO Clarifying Various Aspects of the Hospital Sale (Response to Comm. 23D-7).

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR WEINSTEIN

Item 32 – (Comm. 25E-8) Letter to Chairman Holt Re: Intro. 19-3 – Protocol for Addressing Allegations Brought to EC Legislators.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR DEBENEDETTI

Item 33 – (Comm. 25E-9) Letter to ECMCC Interim CEO Re: Request for Information.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 34 – (Comm. 25E-10) Letter to County Executive & Legislature Re: 2005 Tentative Budget.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 35 – (Comm. 25E-11) Letter to Legislature Re: 2005 Tentative Budget.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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FROM THE COUNTY EXECUTIVE

Item 36 – (Comm. 25E-12) Veto Message – Local Law Intro. No. 11-2004.

MS. MARINELLI moved to override COUNTY EXECUTIVE’S VETO. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CUSACK, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CHASE, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN (AYES 9 NOES 6).

FAILED. (DID NOT MEET REQUIRED 10 VOTE THRESHOLD.)

RECEIVED, FILED & PRINTED.

November 15, 2004

Kevin M. Kelley, Clerk
Erie County Legislature
92 Franklin Street - 4th Floor
Buffalo, New York 14202

RE: Local Law Intro. No. 11-2004

Dear Mr. Kelley:

Pursuant to Section 205 of the Erie County Charter, I am writing you to indicate my disapproval of the above-referenced Local Law Intro., a copy of which is attached.

I am of the opinion that Local Law Intro. No. 11-2004 is overly broad and far-reaching. It includes the term "special counsel" or "outside counsel" as it pertains to legal representation in any legal matter exclusively. Such retention of a person or persons shall not occur unless they first respond to a request for proposal (RFP) initiated by Erie County, and the response has been evaluated and approved by the Erie County Legislature.

This requirement undermines the efficient operation of the County Attorney to retain outside counsel when deemed necessary. There are situations too numerous to mention when the best legal interest of the County would be severely hampered by this Local Law. Another situation might arise where the Legislature might have a conflict of interest or interests in a matter wherein outside Legal counsel was required.

I do support a mutually agreeable Local Law that is applicable to "Lobbyists" and not legal counsel.

Very truly yours,

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JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

cc: Frederick A. Wolf, County Attorney

A Public Hearing was held on the foregoing Local Law Intro. No. 11-2004 on Friday, November 5, 2004, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this 15 day of November, 2004.

JOEL A. GIAMBRA

FROM THE COUNTY CLERK

Item 37 – (Comm. 25E-13) Letter to Chairman Holt Re: 2005 Tentative Budget.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIRMAN HOLT

Item 38 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 495

Re: Reappointment to EC Fisheries
 Advisory Board. (Comm. 25E-14)

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of Mr. Joseph Jemiolo of 4898 Langford Road, North Collins, NY 1411 to a three-year term on the Erie County Fisheries Advisory Board to expire December 31, 2007.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 39 – (Comm. 25E-15) Request for Authorization to Accept \$1,884,685 in Urban Area Security Initiative FFY 03 Grant Funds & to Revise Grant Budget.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 40 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 496

Re: Bethel Center Head Start/Child Care
Facility Project. (Comm. 25E-16)

WHEREAS, the Bethel Community Development Corporation has requested \$100,000 to assist in the construction of a new 20,000-square-foot facility at the intersection of Jefferson Avenue, Woodlawn Avenue and Welker Street in the Cold Spring neighborhood, one of Buffalo's oldest African American neighborhoods; and

WHEREAS, Bethel Community Development Corporation and Bethel Head Start Center are working together to increase access to and improve educational and childcare opportunities for the Cold Spring community and the City of Buffalo; and

WHEREAS, the proposed facility is part of a multi-phase effort to redevelop the Cold Spring neighborhood to encourage commercial and residential reinvestment to the neighborhood; and

WHEREAS, County funds are essential for the construction of this facility,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements with the Bethel Community Development Corporation for the purposes noted above; and be it further

RESOLVED, that funds in the amount of \$100,000 are hereby transferred from the Economic Development/Tourism Fund that was re-appropriated in Cost Center 1335010 to Cost Center 1332010, Community/Neighborhood Development Agencies to be further designated as Bethel Center Head Start / Child Care Facility Project; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the County Comptroller; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; and the County Attorney.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 41 – (Comm. 25E-17) District Attorney – S.T.O.P. Violence Against Women Grant.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 42 – (Comm. 25E-18) Reappointments to Senior Services Advisory Board.

RECEIVED, FILED & PRINTED.

MEETING NO. 25
November 18, 2004

ERIE COUNTY LEGISLATURE

November 16, 2004

The Honorable
 Erie County Legislature
 92 Franklin Street - 4th Floor
 Buffalo, New York 14202

RE: Reappointments to the Senior Services Advisory Board

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Administrative Code Section 11-E-03, do hereby reappoint the following individuals to a two-year term on the Senior Services Advisory Board, ending December 31, 2006.

Ms. Elizabeth S. Deichman
 20 North Pearl Street
 Buffalo, New York 14202

Mrs. Eileen A. Jacobi
 7650 Sisson Highway
 Eden, New York 14057

Mr. William D. Schulz
 167 Woodbridge Avenue
 Buffalo, New York 14214

Mr. Percy Smith
 83 Detroit Street
 Buffalo, New York 14206

Ms. Jane V. Stanley
 9033 Rockwood Road
 Boston, New York 14025

Very truly yours,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/jda

cc: Appointees
 Commissioner Pamela Krawczyk

Item 43 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 497

Re: Reappointment to EC Fisheries
 Advisory Board. (Comm. 25E-19)

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of Mr. David L. Barus at 2246 Center Street, East Aurora, New York 14052, to the Erie County Fisheries Advisory Board for a term to expire December 31, 2007.

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MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 44 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 498

Re: Appointment to EC Board of Ethics.
 (Comm. 25E-20)

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of Mr. Joseph P. DiVincenzo at 25 Krantz Lane, Getzville, New York 14068, to the Erie County Board of Ethics for a term to expire December 31, 2007.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 45 – (Comm. 25E-21) Appointment to Erie County Traffic Safety Advisory Board.

RECEIVED, FILED & PRINTED.

November 16, 2004

The Honorable
 Erie County Legislature
 25 Delaware Avenue
 Buffalo, New York 14202

Re: Appointment to Erie County Traffic Safety Advisory Board

Dear Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Article 43, New York Vehicle and Traffic Law, Section 16-12, do hereby appoint the following individual to the Traffic Safety Advisory Board, for the term stated.

NAME AND ADDRESS

Chief Sam Camilleri
 291 Londonderry Lane
 Getzville, New York 14068

TERM EXPIRATION

December 31, 2006

Respectfully submitted,

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JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG/jda

cc: Appointee
John Sullivan, Director, Erie County Stop DWI

Item 46 – (Comm. 25E-22) NYS Grant: Application – Hunters Creek Park & Emery Park.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 47 – (Comm. 25E-23) Quarterly Status Report – Homeland Security Grant Consultant Services.

Item 48 – (Comm. 25E-24) District Attorney – Be Safe Grant – 10/1/03 – 9/30/04.

Item 49 – (Comm. 25E-25) District Attorney – Be Safe Grant – 10/1/04 – 9/30/05.

Item 50 – (Comm. 25E-26) Emergency Services – Revision of Homeland Security Exercise & Evaluation Program (HSEEP) Grant Funded by NYS WMD Task Force.

Item 51 – (Comm. 25E-27) Emergency Services – Authorization to Revise Grant Funding from NYS Emergency Management Office (SEMO) to Update EC Emer. Mgmt. Plan.

The above five items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 52 – (Comm. 25E-28) Health – Women's Health Services – 4/1/04 – 12/31/04.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 53 – (Comm. 25E-29) Community Disaster Education Initiative.

Item 54 – (Comm. 25E-30) Data Gap Analysis Extension.

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 55 – (Comm. 25E-31) ECSD No.1 – Contract No.27SA – Contract Close Out – Allstate Power Vac.

Item 56 – (Comm. 25E-32) ECSD Nos. 1-6 & Southtowns Sewage Treatment Agency – Construction Inspection Service Agreements – Comm. 22E-35.

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 57 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 499

Re: Town of Tonawanda Public Safety
Training Center – Fire Training Tower
Project. (Comm. 25E-33)

WHEREAS, the Town of Tonawanda has requested \$250,000 to assist in efforts to replace or renovate a fire training tower for the Town of Tonawanda; and

WHEREAS, the fire training tower is a critical component of the Town's Public Safety Training Center; and

WHEREAS, the Public Safety Training Center is designed to provide the necessary training to insure the personal safety of all local first responders; and

WHEREAS, the Town of Tonawanda has the highest concentration of extremely hazardous substances in Erie County; and

WHEREAS, on July 15, 2004, the Erie County Legislature approved Comm.17E-23, authorizing the expenditure of \$250,000 for the renovation of the fire training tower located at 70 Fire Tower Drive in the Town of Tonawanda; and

WHEREAS, it may be necessary to replace the existing fire training tower if renovation is not feasible; and

WHEREAS, the Town of Tonawanda requires the assistance of Erie County to help in the replacement or renovation of the fire training tower for public safety training.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to amend a previous agreement with the Town of Tonawanda, to allow for the replacement or renovation of the fire training tower; and be it further

RESOLVED, that funds in the amount of \$250,000 are hereby transferred from the Tobacco Trust Fund to G/L Account 516000 in Cost Center 1335010, Extraordinary Aid to Local Governments, to be further designated as follows: Town of Tonawanda Fire Training Tower Project; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the County Comptroller; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; and the County Attorney.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 58 – (Comm. 25E-34) ECSD Nos. 1-6 – User Charge Rates.

Item 59 – (Comm. 25E-35) ECSD Nos. 1-6 – User Charges – 2005.

Item 60 – (Comm. 25E-36) ECSD No. 2 -Engineering Agreement Dated 8/29/02 – URS Corporation – Change Order No. 2.

Item 61 – (Comm. 25E-37) ECSD No. 2 – Lake Street & Point Breeze Pumping Station Forcemains – EC Highway Department – Bridge Replacement.

The above four items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 62 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 500

Re: Local Mileage Reimbursement-
 Bureau of Weights & Measures.
 (Comm. 25E-38)

WHEREAS, as part of the County's fleet reduction policy, this bureau cannot assign a vehicle to each inspector, and

WHEREAS, as part of the recent budget negotiations, this expense account was reduced from the previous year's amount, and

WHEREAS, the employee's rate of reimbursement increased over the previous year, and

WHEREAS, the County will lose revenue from the inspections not performed,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorize the transfer of \$2,000 from Account 505200, Public Works – Weights & Measures, Clothing Supplies Account to Account 510000 – Public Works – Weights & Measures, Local Mileage Reimbursement, and be it further,

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; one copy to the Office of the County Executive; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

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CARRIED UNANIMOUSLY.

Item 63 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 501

Re: Acceptance of FEMA Funds-Award
of Contracts and/or Use of In-House
Resources for Debris Removal.
(Comm. 25E-39)

WHEREAS, in May and June 2004, constant rains caused severe flooding and damage to roadways, culverts and bridges throughout Erie County, and

WHEREAS, that damage due to the flooding was estimated and submitted through the State Emergency Management Organization (SEMO) to the Federal Emergency Management Agency (FEMA), and

WHEREAS, in August 2004 the President signed a disaster declaration that included Erie County, and

WHEREAS, negotiations with SEMO/FEMA are now going on and many Project Worksheets (PW) have been completed, and

WHEREAS, the following locations have approved PWs requiring debris removal work to be performed:

Various locations	PW #EC-4	\$26,612, and
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WHEREAS, SEMO/FEMA will reimburse Erie County for 87.5% of all expenditures incurred for the remediation of each approved location with the County's local share being 12.5% to the total cost for remediation of each location, and

WHEREAS, Your Honorable Body recently approved \$4 million for the Emergency Road Reconstruction Project (B.00136) for emergency road reconstruction which will be used to finance the County match and other improvements required that are not eligible for SEMO/FEMA reimbursement,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature accepts the funding negotiated with SEMO/FEMA for each approved location, increasing the revenue and appropriations in the Emergency Road Reconstruction Project (B.00136) accordingly per the following list:

Various locations	PW# EC-4	\$26,612.00
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and further be it,

RESOLVED, that the Erie County Legislature authorizes the funding of the 12.5% local share for each approved location from the \$4 million bond financing approved for the Emergency Road Reconstruction project (B.00136), and be it further,

RESOLVED, that the Erie County Legislature authorizes the Department of Public Works to use the funds received to contract with Erie County Soil and Water or use in-house resources to perform debris removal, and be it further,

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Deputy Commissioner – Highways; one copy to the Office of the County Executive; one copy to the County Attorney's Office; one copy to the Division of Budget, Management and Finance; and one copy to the Office of the Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 64 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 502

Re: Acceptance of FEMA Funds –
Award of Contracts and/or Use of In-
House Resources for Projects Requiring
Engineering Services. (Comm. 25E-40)

WHEREAS, in May and June 2004, constant rains caused severe flooding and damage to roadways, culverts and bridges throughout Erie County, and

WHEREAS, that damage due to the flooding was estimated and submitted through the State Emergency Management Organization (SEMO) to the Federal Emergency Management Agency (FEMA), and

WHEREAS, in August 2004 the President signed a disaster declaration that included Erie County, and

WHEREAS, negotiations with SEMO/FEMA are now going on and several Project Worksheets (PW) have been completed, and

WHEREAS, the following locations have approved PWs for required engineering work to be performed prior to any construction:

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Blakely	EC 085-02	\$ 95,000.00
Tonawanda Creek	EC 559-01	\$296,216.00
Zoar Valley	EC 457-02	\$ 32,500.00
Bridge inspection (various locations)	BI #1	\$ 2,686.50

WHEREAS, SEMO/FEMA will reimburse Erie County for 87.5% of all expenditures incurred for the remediation of each approved location with the County's local share being 12.5% to the total cost for remediation of each location, and

WHEREAS, your Honorable Body recently approved \$4 million for Emergency Road Reconstruction Project (B.00136) for emergency road reconstruction which will be used to finance the County match and other engineering services required that are not eligible for SEMO/FEMA reimbursement,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature accepts the funding negotiated with SEMO/FEMA for each approved location, increasing the revenue and appropriations in the Emergency Road Reconstruction Project (B.00136) accordingly per the following list:

Blakely	EC 085-02	\$ 95,000.00
Tonawanda Creek	EC 559-01	\$296,216.00
Zoar Valley	EC 457-02	\$ 32,500.00
Bridge inspection (various locations)	BI #1	\$ 2,686.50

RESOLVED, that the Erie County Legislature authorizes the funding of the 12.5% local share for each approved location from the \$4 million bond financing approved for the Emergency Road Reconstruction Project (B.00136), and be it further,

RESOLVED, that the Erie County Legislature authorizes the Department of Public Works to enter into a contract(s) with an engineering firm(s) that is included on the term contract list for each PW that is not of a complex nature or use County in-house resources to complete the scope of the work outlined in the SEMO/FEMA PWs, and be it further,

RESOLVED, that the Erie County Legislature authorizes the Department of Public Works to enter into a contract(s) with an engineering firm(s) chosen through the RFQ process for projects of a complex nature, and be it further,

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Deputy Commissioner-Highways; one copy to the County Attorney's Office; one copy to the Office of the County Executive; one copy to the Division of Budget, Management and Finance; and one copy to the Office of the Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

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Item 65 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 503

Re: Acceptance of FEMA Funds –
Award of Contracts and/or Use of In-
House Resources for Jobs Requiring
Shoulders, Ditching & Culv. Replace.
(Comm. 25E-41)

WHEREAS, in May and June 2004, constant rains caused severe flooding and damage to roadways, culverts and bridges throughout Erie County, and

WHEREAS, that damage due to the flooding was estimated and submitted through the State Emergency Management Organization (SEMO) to the Federal Emergency Management Agency (FEMA), and

WHEREAS, in August 2004 the President signed a disaster declaration that included Erie County, and

WHEREAS, negotiations with SEMO/FEMA are now going on and many Project Worksheets (PW) have been completed, and

WHEREAS, the following locations have approved PWs that require shoulder, ditching and minor culvert replacement work to be performed:

<u>Location</u>	<u>PW Number</u>	<u>Total Expected</u>
Cattaraugus Road	585	\$ 9,228.53
Mill Street	479	\$46,193.20
Mill Street	587	\$ 8,334.66
Foote	475	\$10,792.76
Sharp	591	\$25,525.57
Sharp	474	\$37,997.09
Morse	476	\$18,058.70
Sibley	481	\$23,371.46
Pratham	480	\$14,669.09
Foster	473	\$ 4,685.69
Zoar	478	\$42,240.59
Partridge	657	\$ 5,427.87
Phillips	664	\$ 2,148.55
Adams	659	\$ 2,862.64
Belcher	661	\$ 6,166.75
Transit Line	660	\$ 2,863.54
Middle	498	\$29,880.74
Rice Hill	494	\$ 4,071.08
Trevett Line	493	\$25,337.19

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Groth	492	\$28,888.65
Drake	491	\$ 9,479.29
Liberia	490	\$11,460.07
Haig	489	\$13,144.92
Zenner	488	\$ 4,766.35
Chestnut Ridge	487	\$17,730.96
Feddick	485	\$11,299.11
Zimmerman	511	\$46,575.33
Back Creek	510	\$ 2,029.89
Omphalius	508	\$ 3,343.90
Snyder	500	\$11,131.34
Concord	502	\$ 3,314.51
Wagner	504	\$ 6,043.97
Emerling	506	\$ 5,011.19
Heath	665	\$13,066.60
Holland-Glenwood	597	\$45,709.61
Vermont	593	\$12,868.63
Holland-Glenwood	596	\$ 9,788.20
Church	663	\$19,198.45
Four Rod	599	\$ 1,790.59
Blakeley	589	\$ 8,258.57
Hayes Hollow	658	\$13,801.89

WHEREAS, SEMO/FEMA will reimburse Erie County for 87.5% of all expenditures incurred for the remediation of each approved location with the County's local share being 12.5% to the total cost for remediation of each location, and

WHEREAS, Your Honorable Body recently approved \$4 million for the Emergency Road Reconstruction Project (B.00136) for emergency road reconstruction which will be used to finance the County match and other improvements required that are not eligible for SEMO/FEMA reimbursement,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature accepts the funding negotiated with SEMO/FEMA for each approved location, increasing the revenue and appropriations in the Emergency Road Reconstruction Project (B.00136) accordingly per the following list:

<u>Location</u>	<u>PW Number</u>	<u>Total Expected</u>
Cattaraugus Road	585	\$ 9,228.53
Mill Street	479	\$46,193.20
Mill Street	587	\$ 8,334.66
Foote	475	\$10,792.76
Sharp	591	\$25,525.57
Sharp	474	\$37,997.09
Morse	476	\$18,058.70
Sibley	481	\$23,371.46

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Pratham	480	\$14,669.09
Foster	473	\$ 4,685.69
Zoar	478	\$42,240.59
Partridge	657	\$ 5,427.87
Phillips	664	\$ 2,148.55
Adams	659	\$ 2,862.64
Belcher	661	\$ 6,166.75
Transit Line	660	\$ 2,863.54
Middle	498	\$29,880.74
Rice Hill	494	\$ 4,071.08
Trevett Line	493	\$25,337.19
Groth	492	\$28,888.65
Drake	491	\$ 9,479.29
Liberia	490	\$11,460.07
Haig	489	\$13,144.92
Zenner	488	\$ 4,766.35
Chestnut Ridge	487	\$17,730.96
Feddick	485	\$11,299.11
Zimmerman	511	\$46,575.33
Back Creek	510	\$ 2,029.89
Omphalius	508	\$ 3,343.90
Snyder	500	\$11,131.34
Concord	502	\$ 3,314.51
Wagner	504	\$ 6,043.97
Emerling	506	\$ 5,011.19
Heath	665	\$13,066.60
Holland-Glenwood	597	\$45,709.61
Vermont	593	\$12,868.63
Holland-Glenwood	596	\$ 9,788.20
Church	663	\$19,198.45
Four Rod	599	\$ 1,790.59
Blakeley	589	\$ 8,258.57
Hayes Hollow	658	\$13,801.89

and further be it,

RESOLVED, that the Erie County Legislature authorizes the funding of the 12.5% local share for each approved location from the \$4 million bond financing approved for the Emergency Road Reconstruction project (B.00136), and be it further,

RESOLVED, that the Erie County Legislature authorizes the Department of Public Works to enter into a contract(s) with an eligible engineering firm(s) that is included on the term contract list for each PW that is not of a complex nature, or use County in-house resources to complete the scope of work as outlined in the SEMO/FEMA PWs, and be it further,

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; two certified copies of this resolution be forwarded to

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the Department of Public Works, Office of the Deputy Commissioner – Highways; one copy to the Office of the County Executive; one copy to the County Attorney’s Office; one copy to the Division of Budget, Management and Finance; and one copy to the Office of the Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

Item 66 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 504

Re: Acceptance of FEMA Funds –
Award of Contracts and/or Use of In-
House Resources for Projects Requiring
Engineering & Construction.
(Comm. 25E-42)

WHEREAS, in May and June 2004, constant rains caused severe flooding and damage to roadways, culverts and bridges throughout Erie County, and

WHEREAS, that damage due to the flooding was estimated and submitted through the State Emergency Management Organization (SEMO) to the Federal Emergency Management Agency (FEMA), and

WHEREAS, in August 2004 the President signed a disaster declaration that included Erie County, and

WHEREAS, negotiations with SEMO/FEMA are now going on and several Project Worksheets (PW) have been completed, and

WHEREAS, the following locations have approved PW’s requiring engineering work be performed prior to any construction. Additionally, the cost of the construction being estimated and included in this PW:

		<u>Total</u>
Back Creek 1-7	EC 438-01	\$ 51,260.40
Back Creek 8	EC 438-03	\$ 35,210.00
Vermont St #2	EC 226-02	\$ 19,049.73
Centerline Road	EC 175-03	\$ 23,367.00
Vermont St. #3	EC 226-03	\$ 16,961.52
Vermont St. #5	EC 226-05	\$ 10,776.17
Four Rod	EC 356-04	\$ 50,989.12
Emery Road	67-2	\$ 17,803.02
Hunters Creek	392-4	\$ 9,704.43
Holland Glenwood	240-4	\$ 16,775.74

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Vermont St.	EC 226-04	\$ 57,000.00
Blakeley	EC 085-03	\$195,000.00
Vermont St.	EC 226-07	\$114,000.00
Vermont St.	EC 226-09	\$ 60,000.00
Vermont St.	EC 226-06	\$ 42,580.85
Four Rod	EC 356-01	\$197,750.00
Four Rod	EC 356-02	\$ 66,000.00
Centerline	EC 175-02	\$107,000.00
Stolle	EC-002	\$ 92,000.00
Groth	EC 422-01	\$111,750.00
Zoar Valley	EC 457-01	\$ 84,000.00
Lewis Road	EC 380-01	\$409,500.00
Vermont St	EC 226-08	\$ 51,500.00
Bunting Road	EC B3327880	\$ 27,500.00
		<u>Total</u>
Murray Hill	EC B338420	\$ 61,500.00
Quaker Street	EC B3328340	\$137,500.00
Ward Drive	EC B3362260	\$ 4,000.00
Townline	EC B3327300	\$ 48,500.00
Savage Road	EC B3327910	\$ 16,100.00
Zoar Valley	EC B3328430	\$ 19,500.00
Trevett Road	EC B3328560	\$ 16,000.00

WHEREAS, SEMO/FEMA will reimburse Erie County for 87.5% of all expenditures incurred for the remediation of each approved location with the County's local share being 12.5% to the total cost for remediation of each location, and

WHEREAS, your Honorable Body recently approved \$4 million for the Emergency Road Reconstruction Project (B.00136) for emergency road reconstruction which will be used towards the County's match and other improvements required that are not eligible for SEMO/FEMA reimbursement,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature accepts the funding negotiated with SEMO/FEMA for each approved location, increasing the revenue and appropriations in the Emergency Road Reconstruction Project (B.00136) accordingly per the following list:

		<u>Total</u>
Back Creek 1-7	EC 438-01	\$ 51,260.40
Back Creek 8	EC 438-03	\$ 35,210.00
Vermont St #2	EC 226-02	\$ 19,049.73
Centerline Road	EC 175-03	\$ 23,367.00
Vermont St. #3	EC 226-03	\$ 16,961.52
Vermont St. #5	EC 226-05	\$ 10,776.17
Four Rod	EC 356-04	\$ 50,989.12

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Emery Road	67-2	\$ 17,803.02
Hunters Creek	392-4	\$ 9,704.43
Holland Glenwood	240-4	\$ 16,775.74
Vermont St.	EC 226-04	\$ 57,000.00
Blakeley	EC 085-03	\$195,000.00
Vermont St.	EC 226-07	\$114,000.00
Vermont St.	EC 226-09	\$ 60,000.00
Vermont St.	EC 226-06	\$ 42,580.85
Four Rod	EC 356-01	\$197,750.00
Four Rod	EC 356-02	\$ 66,000.00

		<u>Total</u>
Centerline	EC 175-02	\$107,000.00
Stolle	EC-002	\$ 92,000.00
Groth	EC 422-01	\$111,750.00
Zoar Valley	EC 457-01	\$ 84,000.00
Lewis Road	EC 380-01	\$409,500.00
Vermont St	EC 226-08	\$ 51,500.00
Bunting Road	EC B3327880	\$ 27,500.00
Murray Hill	EC B338420	\$ 61,500.00
Quaker Street	EC B3328340	\$137,500.00
Ward Drive	EC B3362260	\$ 4,000.00
Townline	EC B3327300	\$ 48,500.00
Savage Road	EC B3327910	\$ 16,100.00
Zoar Valley	EC B3328430	\$ 19,500.00
Trevett Road	EC B3328560	\$ 16,000.00

RESOLVED, that the Erie County Legislature authorizes the funding, as required, of the 12.5% local share for each approved location from the \$4 million bond financing approved for the Emergency Road Reconstruction Project (B.00136), and be it further,

RESOLVED, that the Erie County Legislature authorizes the Department of Public Works to enter into a contract(s) with an engineering firm(s) that is included on the term contract list for each PW that is not of a complex nature, or use County in-house resources to complete the scope of the work outlined in the SEMO/FEMA PWs, and be it further,

RESOLVED, that the Erie County Legislature authorizes the Department of Public Works to enter into a contract(s) with an engineering firm(s) chosen through the RFQ process for projects of a complex nature, and be it further,

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Deputy Commissioner-Highways; one copy to the Office of the County Executive; one copy to the County Attorney's Office; one copy to the Division of Budget Management and Finance; and one copy to the Office of the Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. SCHROEDER seconded.

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CARRIED UNANIMOUSLY.

Item 67 – (Comm. 25E-43) Utility Enterprise Fund Budget Revision – 2004

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

COUNTY ATTORNEY

Item 68 – (Comm. 25D-1) Notice of County Executive's Public Hearing Re: Intro. 22-7, Contingency Fund Transfer.

RECEIVED, FILED & PRINTED.

November 1, 2004

VIA HAND DELIVERY

Kevin M. Kelley, Clerk
Erie County Legislature
92 Franklin Street, 4th floor
Buffalo, New York 14202

RE: Notice of Public Hearing for
Reso. Intro. 22-7, Contingency Funds Transfer

Dear Kevin:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on October 21, 2004, and which was sent to our office to present to the County Executive on October 29, 2004.

Please post the enclosed for the information for anyone who may be interested in attending this hearing.

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

By: MELISSA O. HEIMERL
Assistant County Attorney

encl.

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ERIE COUNTY LEGISLATURE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Thursday, November 18, 2004 at 10:00 a.m., concerning:

Resolution Intro. 22-7 of the Erie County Legislature which transfers \$877,646 from the County Contingency Funds to facilitate additional public benefit funding for certain private community organizations, public agencies and/or governmental agencies.

The hearing will be held in room 805, 95 Franklin Street, in the City of Buffalo, New York.

On October 21, 2004, the Erie County Legislature adopted Resolution Intro. 22-7, a certified copy of which was presented to Erie County Executive Joel A. Giambra on October 29, 2004. Copies of the resolution are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA
Erie County Executive

FROM DPW

Item 69 – (Comm. 25D-2) Complaint Distribution Response Form – County Truck Causing Car Damage.

Item 70 – (Comm. 25D-3) Complaint Distribution Response Form – Versailles Plank Road.

Item 71 – (Comm. 25D-4) Road Complaint Distribution Response Form – Pot Hole on Emery Road.

The above three items were received and filed.

FROM BUDGET MANAGEMENT & FINANCE

Item 72 – (Comm. 25D-5) Copy of Letter to Comptroller Re: Shortfall in Sales Tax Revenue (Response to Comm. 25E-2).

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 73 – (Comm. 25D-6) Letter to Legislator DeBenedetti Re: Resolutions to Renew Leases – 43 Court Street – Comm. 22E-37 & 69 Delaware Avenue – Comm. 22E-38.

Received and filed.

Item 74 – (Comm. 25D-7) Memo to Legislator DeBenedetti Re: Legal Opinion Re: Intro. 23-6 Calling for County Executive to Repay Legal Fees in BOI Matter.

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Item 75 – (Comm. 25D-8) Medicaid Pharmaceutical Overcharge Litigation

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECMCC

Item 76 – (Comm. 25D-9) Letter to Chairman Holt Re: Attendance at Budget & Business Plan Presentation.

Received and filed.

FROM ECC

Item 77 – (Comm. 25D-10) Notice of Meeting of the Board of Trustees on 11/17/04.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 78 – (Comm. 25D-11) Notice of County Executive's Public Hearing for Local Law Intro. No. 13-2004.

RECEIVED, FILED & PRINTED.

November 5, 2004

VIA HAND DELIVERY

Kevin M. Kelley, Clerk
Erie County Legislature
92 Franklin Street, 4th floor
Buffalo, New York 14202

RE: Notice of Public Hearing
Local Law Intro. No. 13-2004

Dear Mr. Kelley:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on November 4, 2004.

Please post the enclosed for the information for anyone who may be interested in attending this hearing.

Very truly yours,

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MELISSA O. HEIMERL
 Assistant County Attorney

encl.

NOTICE OF PUBLIC HEARING,

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Thursday, November 18, 2004 at 9:30 a.m., concerning:

A LOCAL LAW amending, Local Law No. 1-1959, as amended, constituting the Erie County Charter Section 1802 thereof and the Erie County Administrative Code Section 18.02 Sub. f, with respect to the duty of the Erie County Executive to submit a budget and capital program to the Erie County Legislature.

The hearing will be held in room 805, 95 Franklin Street, 8th Floor, in the City of Buffalo, New York.

On November 4, 2004, the Erie County Legislature adopted Erie County Local Law Intro. No. 13 of 2004. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA
 Erie County Executive

FROM PURCHASE

Item 79 – (Comm. 25D-12) Memo to Legislator DeBenedetti Re: Furniture Purchases/2004.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM SOCIAL SERVICES

Item 80 – (Comm. 25D-13) Response to Request for Information Re: Lease at 43 Court Street.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM PERSONNEL

Item 81 – (Comm. 25D-14) Letter to Legislator Marinelli Re: Government Affairs Special Grand Jury Interim Report.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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FROM DISS – FLEET SERVICES

Item 82 – (Comm. 25D-15) 3rd Quarter 2004 Review.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM EMERGENCY SERVICES

Item 83 – (Comm. 25D-16) Effect of Proposed 2005 Budget Cuts on Department of Emergency Services.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 84 – (Comm. 25D-17) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM SOCIAL SERVICES

Item 85 – (Comm. 25D-18) Letter to Legislator Smith Re: Amendments to Local Law No. 2.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM DEP

Item 86 – (Comm. 25D-19) ECSD No. 4 – Increase & Improvement of Facilities.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM NYSAC

Item 87 – (Comm. 25M-1) Letter to Chairman Holt Re: Medicaid Pharmaceutical Overcharge Lawsuit.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NEW YORK POWER AUTHORITY

Item 88 – (Comm. 25M-2) Lewiston Pump-Generating Plant -Plant Upgrade Feasibility Study.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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FROM NFTA

Item 89 – (Comm. 25M-3) Cash Flow Statements for 4/1/04 -3/31/05 & Projected Cash Flow for 10/1/04 -9/30/05.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM SENATOR RATH

Item 90 – (Comm. 25M-4) Receipt of Resolution.

Received and filed.

FROM THE EC MENTAL HYGIENE
COMMUNITY SERVICES BOARD

Item 91 – (Comm. 25M-5) Notice & Agenda for Meeting to be Held 11/18/04 & Minutes of Meeting Held 10/21/04.

Received and filed.

EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 92 – (Comm. 25M-6) Notice & Agenda for Meeting Held 11/16/04.

Received and filed.

FROM THE FRANCISCAN CENTER

Item 93 – (Comm. 25M-7) Memo to Legislature Re: Effect of Proposed 2005 Budget Cuts.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CITY OF BUFFALO COMMON COUNCIL

Item 94 – (Comm. 25M-8) Certified Resolution Re: Proposed Private Bridge at International Rail Bridge Site.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM CSEA

Item 95 – (Comm. 25M-9) Letter to Legislature Re: Effect of 2005 Proposed Budget on Probation Department.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM NYSDEC

Item 96 – (Comm. 25M-10) Fact Sheet – Proposed Remedial Activities at Boone Park, City of Buffalo.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM CONGRESSMAN QUINN

Item 97 – (Comm. 25M-11) Receipt of Resolution.

Received and filed.

FROM THE ERIE COUNTY HUMAN SERVICES
ADVISORY COMMITTEE

Item 98 – (Comm. 25M-12) 2005 Human Services Public Benefit Funding Request Report.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 99 – (Comm. 25M-13) 2005 Human Services Public Benefit Funding Request Report.

Received and filed.

FROM COLLUCCI & GALLAHER

Item 100 – (Comm. 25M-14) Copy of Letter to Comptroller Re: 2004 Funds Owed to ECMCC.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 101 – MR. RANZENHOFER moved to reconsider Item 17 (Local Law 15-1). MR. McCARVILLE seconded.

CHALLENGE THE CHAIR.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 7, NOES 8.)

FAILED.

MEMORIAL RESOLUTIONS

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Item 102 – Mr. McCarville requested that when the Legislature adjourns, it do so in memory of Brian Baker.

Item 103 – Mr. Kuwik requested that when the Legislature adjourns, it do so in memory of Fred Smerka.

Item 104 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Annette Dispence.

Item 105 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Mark Schlee.

Item 106 – Mr. DeBenedetti requested that when the Legislature adjourns, it do so in memory of Mary Nespal.

Item 107 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Paul M. Varwert.

Item 108 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Marianne Leonard.

Item 109 – Mr. Dusza requested that when the Legislature adjourns, it do so in memory of Eugene Sliwinski.

Item 110 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Michael Higgins.

Item 111 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Brian Baker.

ADJOURNMENT

Item 112 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, December 2, 2004. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, December 2, 2004 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK